## 202003376 Dwayne Leon

On June 30, 2019, in an unmarked police vehicle, Officer Leon pursued the driver of an e-bike after he ran numerous red lights and did not respond to a loudspeaker directive to "pull over." The driver turned onto the westbound lane into oncoming traffic and Officer Leon followed into the oncoming lane. Officer Leon then accelerated towards the bike in an attempt to block the driver's path and force him to move toward the sidewalk. This maneuver forced the e-bicyclist toward the curb into a three-foot gap between two parked cars. In an attempt to avoid getting sandwiched between the parked cars, the driver jumped from the bike and twisted his leg on the tall curb. The officers' body worn cameras were activated but aimed at the police vehicle dashboard so the traffic and the driver are not visible. However, the footage captures officer Leon exiting his police vehicle and walking towards the e-bicyclist who was on the sidewalk. Officer Leon said "You did it on your own," and the e-bicyclist replied "You tried to hit me off my bike! You went down the wrong side, man, why are you doing this shit to me?" A few minutes later, Officer Leon approached two basketball players in an adjacent park and says "You saw him flip off the bike?" One basketball player responded "You were chasing him... you kind of like curved him so that he could get off the road."

In his CCRB interview, Officer Leon denied cutting the e-bicyclist off such that he had to crash with the curb to avoid the unmarked police car. Instead, Officer Leon initially claimed that he turned onto the eastbound lane to avoid the westbound traffic after the cyclist crashed. He stated that he then subsequently made a U-turn into the westbound lane where he safely parked his vehicle 10 feet away from the cyclist. However, after reviewing his body worn camera footage which contradicted this description of events, Officer Leon stated that he did not make a U-turn and that he instead drove straight into the oncoming lanes of traffic. Officer Leon then claimed that he did not remember whether the cyclist had already fallen at the moment the video began.

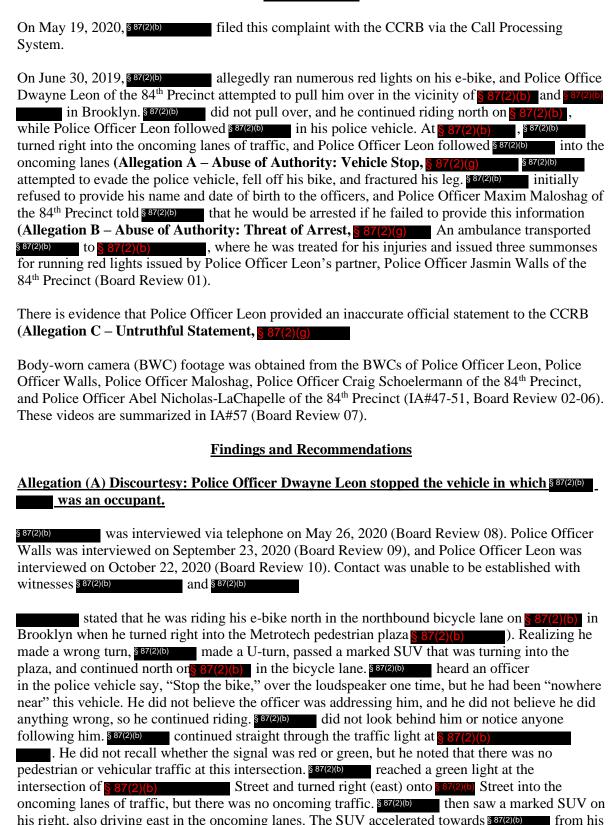
The CCRB found that Officer Leon abused his authority in making the vehicle stop and made an inaccurate official statement. The NYPD disciplined Officer Leon with formalized training.

The CCRB allegations are redacted in a later letter from the district attorney.

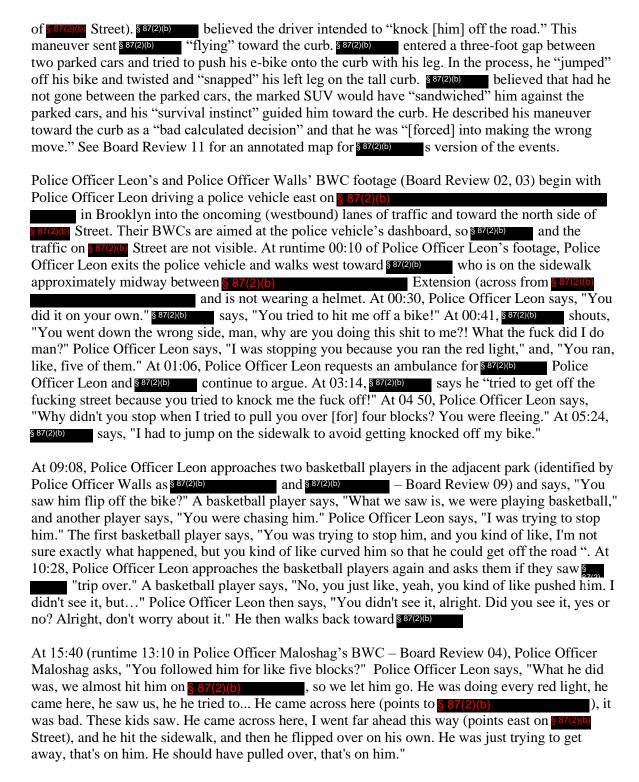
# CCRB INVESTIGATIVE RECOMMENDATION

| Investigator:                 |   | Team:                 | CCRB Case #:              | ☐ Force  | ☐ Discourt.        | ☑ U.S.     |
|-------------------------------|---|-----------------------|---------------------------|----------|--------------------|------------|
| Jean Paul Lozada              |   | Squad #2              | 202003376                 | ☑ Abuse  | O.L.               | Injury     |
| Incident Date(s)              |   | Location of Incident: |                           | Precinct | :: 18 Mo. SOL      | EO SOL     |
| Sun, 06/30/2019 7:16 PM       |   |                       |                           | 84       | 12/30/2020         | 8/16/2021  |
| Date/Time CV Reported         |   | CV Reported At:       | How CV Reported:          | Date/Ti  | ime Received at CC | RB         |
| Tue, 05/19/2020 9:42 AM       |   | CCRB                  | Call Processing<br>System | Tue, 05  | 5/19/2020 9:42 AM  |            |
| Complainant/Victim            | Type  | Home Addre            | ess                       |          |                    |            |
|                               |   |                       |                           |          |                    |            |
| Witness(es)                   | Witness(es) Home Address  |                       |                           |          |                    |            |
|                               |   |                       |                           |          |                    |            |
|                               |   |                       |                           |          |                    |            |
| Subject Officer(s)            | Shield  | TaxID                 | Command                   |          |                    |            |
| 1. POM Dwayne Leon            | 30992   | § 87(2)(b)            | 084 PCT                   |          |                    |            |
| 2. POM Maxim Maloshag         | 3036  | § 87(2)(b)            | 084 PCT                   |          |                    |            |
| Witness Officer(s)            | Shield N  | o Tax No              | Cmd Name                  |          |                    |            |
| 1. POF Jasmin Walls           | 10477   | § 87(2)(b)            | 084 PCT                   |          |                    |            |
| 2. POM Craig Schoelermann     | 19383   | § 87(2)(b)            | 084 PCT                   |          |                    |            |
| 3. POM Abel Nicolaslachapelle | 16402   | § 87(2)(b)            | 084 PCT                   |          |                    |            |
| Officer(s)                    | Allegatio   | on                    |                           | Iı       | nvestigator Recor  | nmendation |
| A . POM Dwayne Leon           | Abuse of Authority: Police Officer Dwayne Leon stopped the A. § 87(2)(g) vehicle in which was an occupant.            |                       |                           |          |                    |            |
| B . POM Maxim Maloshag        | Abuse of Authority: An officer threatened to arrest 887(2)(9) B. § 87(2)(9)   |                       |                           |          |                    |            |
| C . POM Dwayne Leon           | Untruthful Statement: Police Officer Dwayne Leon provided C. § 87(2)(g) an inaccurate official statement to the CCRB. |                       |                           |          |                    |            |

#### **Case Summary**



right, blocking his path, and forcing him to move towards the sidewalk on his left (the north side



At 16:59, Police Officer Leon speaks to the basketball players again. One says, "We was on the basketball court, we saw your car trying to get him off the road. There was moving traffic coming this way (gestures east). You pulled him off the road, and then he like skid off and flipped off the bike."

At 19:20, S87(2)(b) says, "Honestly, I just felt like I could ride off and y'all won't bother me

anymore." Police Officer Leon says, "You can't do that, you can't ride off." At 20:45, Police Officer Leon says, "I went over in this direction purposely to block off incoming traffic." S87(2)(b) asks, "Sir, protocol, do you drive on the wrong side of the street to chase a bicycle?" Police Officer Leon says he drove into incoming traffic to block the street for \$87(2)(b) s safety. Police Officer Leon asks \$87(2)(b) s if he saw the incoming traffic coming, and \$87(2)(b) said at that point, he had already been moving toward the sidewalk.

In his CCRB interview, Police Officer Leon stated that he was driving south on \$87(2)(b) Street when \$87(2)(b) ran the red light on his e-bike going west on \$87(2)(b) Street, nearly causing Police Officer Leon to collide with \$87(2)(b) who was about 15 feet in front of his vehicle. Police Officer Leon turned right (west) onto \$87(2)(6) Street and pulled behind \$87(2)(6) but "kind of ignored him, let him go." However, \$ 37(2)(b) repeatedly ran red lights while in front of Police Officer Leon's vehicle. Ser(2)(b) ran the red light at Ser(2)(b) Street and turned right (north) onto Street. The light turned green, and Police Officer Leon turned right onto Street behind § 87(2)(b) He noted that he was still merely on patrol, and that his intent was not to follow He did not recall the traffic conditions on Street at the time, nor did he recall whether there were any pedestrians in the area. §87(2)(b) then ran another red light at Street and 887(2)(b) Avenue (MetroTech pedestrian plaza). Between \$87(2)(b) Police Officer Leon engaged his lights and sirens (short burst, not continuous) to pull \$87(2)(b) over to give him a warning. Police Officer Leon did not suspect \$87(2)(6) of any offense other than running red lights on his e-bike. §87(2)(b) who was approximately one car length ahead of Police Officer Leon, turned his head and looked toward Police Officer Leon, and then ran the red lights at Street and 887(2)(b) Street, and Street and 887(2)(b) Street, at full electric speed. turned right (east) into the oncoming (westbound) lanes of traffic on \$87(2)(b) Street, which has three lanes of traffic in each direction, and traffic was flowing toward § 87(2)(b) At this time, Police Officer Leon's lights were fully engaged ("emergency mode"). However, he could not drive into the westbound lanes because there was too much traffic. Midway between street and Extension, \$87(2)(b) hit the sidewalk on the north side of \$37(2)(b) Street and flipped over onto the sidewalk. From Police Officer Leon's vantage point on Street at the intersection of \$37(2)(5) Street, \$37(2)(5) was to his right, on the opposite side of \$37(2)(5) Street. Police Officer Leon did not believe he had made the right turn onto \$87(2)(b) Street when \$87(2)(b) fell, but he was uncertain. Police Officer Leon denied cutting \$87(2)(b) off such that \$87(2)(b) had to avoid his police vehicle to avoid a crash, and he noted that §87(2)(6) was in front of his vehicle until he crashed.

Police Officer Leon initially stated that after \$87(2)(b) fell, he turned right into the eastbound lanes of \$37(2)(b) Street due to the westbound traffic, and then made a U-turn into the westbound lanes, where he parked his vehicle approximately 10 feet away from \$87(2)(b) However, after reviewing his BWC footage, Police Officer Leon stated that he did not make a U-turn maneuver, and that he instead drove into the oncoming lanes of \$87(2)(b) Street. Police Officer Leon did not recall whether had already fallen at the moment the video begins. See Board Review 12 for an annotated map of Police Officer Leon's version of the events.

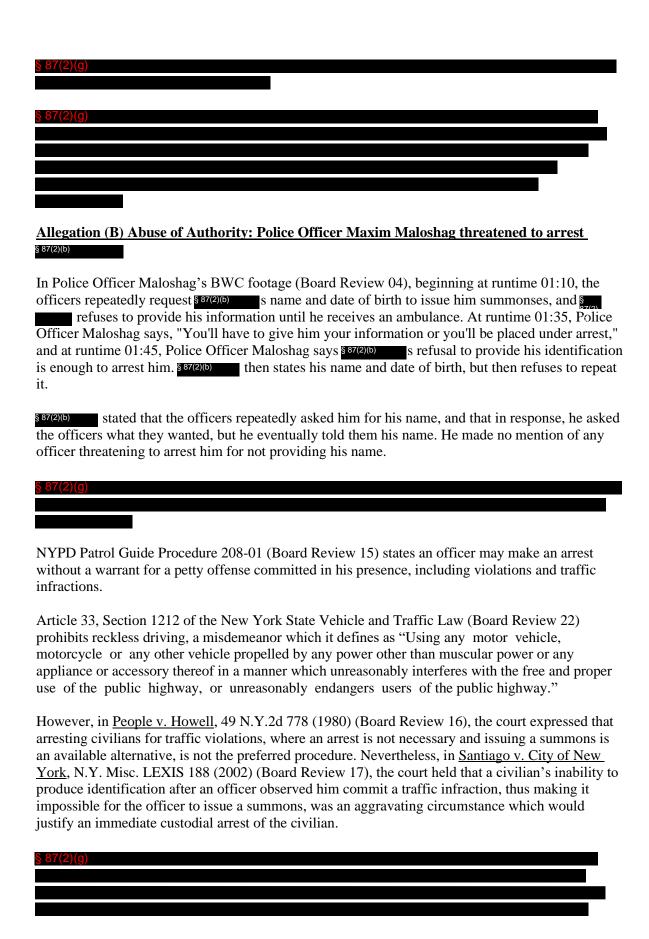
Police Officer Walls stated that when she and Police Officer Leon first observed \$87(2)(b) and nearly crashed into him, they immediately activated the lights and sirens. Once \$87(2)(b) ran another red light, Police Officer Walls used the police vehicle's loudspeaker to tell \$87(2)(b) to pull over. \$87(2)(b) continued to ride his bicycle, and the officers followed behind him. Police Officer Walls and Police Officer Leon were approximately three to six feet behind \$87(2)(b) as they followed him for approximately two to three blocks (Police Officer Walls did not recall their route, and she later stated that \$87(2)(b) ran approximately seven or eight red lights). Police Officer Walls was unable to estimate \$87(2)(b) s speed but noted he went "quite fast." The pursuit

reached street and street, and the officers continued to follow street, and Police Officer turned east into the westbound (oncoming) lanes of traffic on street, and Police Officer Leon followed him into these lanes. Police Officer Leon and Police Officer Walls kept their lights and sirens on to alert the oncoming traffic to their presence and prevent the oncoming traffic from approaching. Police Officer Walls did not recall whether any oncoming traffic was actually moving in street on. street on the sidewalk was ahead of the police vehicle, in Police Officer Walls' 10 o'clock direction (on the police vehicle's driver side), and the police vehicle was "far apart from him" or "a little bit of a distance away from him," but Police Officer Walls noted that she did not "remember any placements." Police Officer Leon tried to match street on the street of the police Officer Walls did not recall how fast the police vehicle was going when street on the street of the police Officer Walls did not recall how fast the police vehicle was going when street on the police Officer Walls did not recall how fast the police vehicle was going when street on the police Officer Walls did not recall how fast the police vehicle was going when street on the police Officer Walls did not recall how fast the police vehicle was going when street on the police Officer Walls did not recall how fast the police vehicle was going when street on the police Officer Walls did not recall how fast the police vehicle was going when street on the police Officer Walls did not recall how fast the police vehicle was going when street on the police Officer Walls did not recall how fast the police vehicle was going when street on the police Officer Walls did not recall how fast the police officer was going when street on the police Officer Walls did not recall how fast the police officer was going when street on the police Officer was going when street on the police of fact the police officer was going when street on the police of fact the police officer was

Patrol Guide Procedure 221-15 (Board Review 13) states that upon observing a vehicle which is to be stopped, an officer must initiate the vehicle stop when feasible, and determine the necessity for commencing and continuing a vehicle pursuit by considering the nature of the offense, the time of day, the weather condition, the location and population density, the capability of the police vehicle, and their familiarity with the area. Officers must terminate a vehicle pursuit when the risks to officers and the public outweigh the danger to the community if the suspect is not immediately apprehended.

Patrol Guide Procedure 221-01 (Board Review 14) states, "The primary duty of all members of the service (MOS) is to protect human life, including the lives of individuals being placed in police custody."

| the vicinity of Street and Myrtle Avenue to Street and Street, a distance of  |
|---|
| approximately one to two blocks, and Police Officer Leon noted that he had driven behind                                  |
| from \$87(2)(b) Street and \$87(2)(b) Street, a total distance of approximately half a mile (Board Review 13). \$87(2)(g) |
| Review 13). 8 67(2)(9)  |
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| § 87(2)(g)  |
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| Allegation (C) Untruthful Statement: Police Officer Dwayne Leon provided an inaccurate official statement to the CCRB.  |
|---|
| Police Officer Leon's BWC footage (Board Review 02) begins with him driving east on Street, into the westbound lanes of traffic, and toward the curb on the north side of the street, where he stopped his car. In his CCRB interview, Police Officer Leon initially stated fell while he was at Street and Street, and that he turned into the eastbound lanes of Street due to the westbound traffic. Police Officer Leon then made a U-turn into the westbound lanes, where he parked his vehicle approximately 10 feet away from Street However, after reviewing his BWC footage, Police Officer Leon stated that he did not make a U-turn maneuver, and that he instead drove into the oncoming lanes of traffic. Police Officer Leon did not recall whether had already fallen at the moment the video begins. Police Officer Leon stated that he reviewed his BWC footage the day before his CCRB interview, and that he did not watch this video in its entirety because he was confident that he did his job correctly. He reviewed the "key points" of the video to prepare for his interview, including when he walked toward Street  Patrol Guides Procedure 203-08 (Board Review 18) prohibits officers from "making, or causing to be made, an inaccurate official statement," which it defines as "a statement that a member of service knows, or should know, includes incorrect material information. There is no intent to deceive, but rather the member's actions are grossly negligent." |
| § 87(2)(a)  |
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| Civilian and Officer CCRB Histories   |

**CCRB Case # 202003376** 

- This is the first CCRB complaint to which \$87(2)(b) has been a party (Board Review 19).
- Police Officer Dwayne Leon has been a member-of-service for five years and has been a subject in two other complaints and two other allegations, neither of which was substantiated. Police Officer Leon's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- Police Officer Maxim Maloshag has been a member-of-service for six years and has been a subject in 11 other complaints and 19 other allegations, none of which were substantiated.
   Police Officer Maloshag's CCRB history does not reflect any apparent patten pertinent to this investigation.

### Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of November 12, 2020, The Office of the New York City Comptroller has no record of a Notice of Claim being filed regarding this incident (Board Review 20).

| 3 01 (2)      | (D)                                |  |                                 |
|---------------|------------------------------------|--|---------------------------------|
|               |                                    |  |                                 |
|               |                                    |  |                                 |
|               |                                    |  |                                 |
| Squad No.:    | 02                                 |  |                                 |
| Investigator: | SI Jean-Paul Lozada Signature      | SI Jean-Paul Lozada Print Title & Name           | 12/07/2020<br>Date              |
| Squad Leader: | Alexander Opoku-Agyem<br>Signature | nang IM Alexander Opoku-Ag<br>Print Title & Name | yemang <u>12/8/2020</u><br>Date |
| Reviewer:     | Signature                          | Print Title & Name                               | Date                            |



# DISTRICT ATTORNEY KINGS COUNTY

350 JAY STREET BROOKLYN, NY 11201-2908 (718) 250-2000 WWW.BROOKLYNDA.ORG

> [INSERT NAME] Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]

Kings County Dkt./Ind. No. [#######]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: DWAYNE LEON

MOS TAX:

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move <u>in limine</u> to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

#### Disclosure # 1:

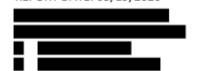
THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 03/16/2018, AGAINST MOS LEON: ALLEGATION(S):

1. FAIL TO PROPERLY SEARCH - VEHICLE - DEPARTMENT VEHICLE

CASE STATUS: CLOSED ON 07/31/2018
ACTION TAKEN: VERBAL OF INSTRUCTIONS

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH OCTOBER 13, 2020, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:

Disclosure # 2: (PENDING)
CCRB CASE: 202003376
REPORT DATE: 05/19/2020



Eric Gonzalez District Attorney Kings County